UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

| ADREA, LLC, |) | |
|---|-------|------------------|
| Plaintiff, |) | |
| - against - |) | ECF Case |
| BARNES & NOBLE, INC., BARNESANDNOBLE.COM LLC, and NOOK MEDIA LLC, |))) | 13-CV-4137 (JSR) |
| Defendants. |) | |
| |) | |

DECLARATION OF YUE-HAN CHOW IN SUPPORT OF DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF STEPHEN P. MAGEE AND XIN WANG

- I, Yue-Han Chow, declare under penalty of perjury as follows:
- 1. I am a member of the Bar of the State of New York and an associate at the law firm of Arnold & Porter LLP, attorneys for Defendants and Counterclaim-Plaintiffs Barnes & Noble, Inc., barnesandnoble.com llc, and NOOK Media LLC (collectively, "Defendants" or "B&N").
- 2. I make this Declaration in Support of Defendants' Motion to Exclude Testimony of Stephen P. Magee and Xin Wang.
- 3. Attached hereto as Exhibit A, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of Talal Shamoon, taken on October 22, 2013
- 4. Attached hereto as Exhibit B, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of James Rosenstock, taken on November 27, 2013.

- 5. Attached hereto as Exhibit C, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of Stephen P. Magee, taken on January 10, 2014.
- 6. Attached hereto as Exhibit D, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the Expert Report of Ned S. Barnes, dated December 30, 2013.
- 7. Attached hereto as Exhibit E, under seal pursuant to Protective Order, are true and correct copies of Exhibits 3 through 6 to the Expert Report of Ned S. Barnes, dated December 30, 2013.
- 8. Attached hereto as Exhibit F, under seal pursuant to Protective Order, is a true and correct copy of the Expert Report of Professor Stephen P. Magee, dated December 11, 2013.
- 9. Attached hereto as Exhibit G, under seal pursuant to Protective Order, is a true and correct copy of Exhibit 5 to the Expert Report of Professor Stephen P. Magee, dated December 11, 2013.
- 10. Attached hereto as Exhibit H, under seal pursuant to Protective Order, is a true and correct copy of the Supplemental Expert Report of Professor Stephen P. Magee, dated August 13, 2014.
- 11. Attached hereto as Exhibit I, under seal pursuant to Protective Order, is a true and correct copy of a February 10, 2010 email from A. Wright to M. Manente, labeled ADREA0065432-33.
- 12. Attached hereto as Exhibit J, under seal pursuant to Protective Order, is a true and correct copy of a document entitled "Patent License and Settlement Agreement," dated November 10, 2011, labeled ADREA0007435-65.

- 13. Attached hereto as Exhibit K, under seal pursuant to Protective Order, is a true and correct copy of a document entitled "Preliminary Patent License Term Sheet between Barnes & Noble and ADREA," labeled ADREA00111213.
- 14. Attached hereto as Exhibit L, under seal pursuant to Protective Order, is a true and correct copy of a November 30, 2009 email from T. Mitomo to M. Pan, labeled ADREA0015560-62.
- 15. Attached hereto as Exhibit M, under seal pursuant to Protective Order, is a true and correct copy of a document entitled "Philips Accounting Treatment Paper," dated Agusut 22, 2010, labeled ADREA0138045-53.
- 16. Attached hereto as Exhibit N, under seal pursuant to Protective Order, is a true and correct copy of a document entitled "eBook Market Venture Revenue Model Overview & Discussion," dated November 11, 2009, labeled ADREA00141110-29.
- 17. Attached hereto as Exhibit O, under seal pursuant to Protective Order, is a true and correct copy of a document entitled "ADREA, LLC Balance Sheet", dated July 31, 2014, labeled ADREA0149185-86.
- 18. Attached hereto as Exhibit P, under seal pursuant to Protective Order, is a true and correct copy of a list of Barnes & Noble settlement agreements relating to the NOOK devices, labeled BN-ADREA038952.
- 19. Attached hereto as Exhibit Q, under seal pursuant to Protective Order, is a true and correct copy of Discovery Communications, Inc.'s Response to Defendant Amazon.com, Inc. First Set of Interrogatories, labeled ADREA0045994-012.
- 20. Attached hereto as Exhibit R, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the Expert Report of Dr. Xin Wang, dated December 30, 2013.

- 21. Attached hereto as Exhibit S, under seal pursuant to Protective Order, is a true and correct copy of the Supplemental Expert Report of Ned S. Barnes, dated August 27, 2014.
- 22. Attached hereto as Exhibit T is a true and correct copy of excerpts from the deposition transcript of Dr. Xin Wang, dated January 21, 2013.
- 23. Attached hereto as Exhibit U, under seal pursuant to Protective Order, is a true and correct copy of letter from C. Cabral addressed to the Honorable Jed S. Rakoff, dated November 19, 2013.

Yue-Han Chow

CERTIFICATE OF SERVICE

I, hereby certify that on September 5, 2014, copies of the Declaration of Yue-Han Chow in Support of Defendants' Motion to Exclude Testimony of Stephen P. Magee and Xin Wang with exhibits were caused to be served upon the following via email and FTP:

Kenneth Rubenstein, Esq. Baldassare Vinti, Esq. PROSKAUER ROSE LLP 11 Times Square New York, NY 10036

Steven Michael Bauer, Esq. Kimberly A. Mottley, Esq. Micah W. Miller, Esq. Brendan Cox, Esq. Patrick Niedermeier, Esq. Erin Staab, Esq. PROSKAUER ROSE LLP One International Place Boston, MA 02110

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Vue-Han Chow